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14. ABSTRACT

The recent trend of violent pirate attacks off the coast of the failed state of Somalia is challenging operational commanders. Analysis indicates limited Somali or other African nation capability and the need for a more comprehensive coalition approach to address the piracy problem. This paper defines the operational challenges of combating piracy in Somalia and offers a possible solution to incorporate other instruments of national and international power. This is a thought piece derived from unclassified sources and includes opinions. It seeks to establish the threat and effects of piracy in Somalia, analyzes the challenges of combating the threat and suggests a CENTCOM-led interagency anti-piracy task force in Djibouti.

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IMPLICATIONS OF MARITIME PIRACY IN THE FAILED STATE OF SOMALIA

by

Kjell A. Wander

LCDR USN

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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23 October 2006

Abstract

The recent trend of violent pirate attacks off the coast of the failed state of Somalia is challenging operational commanders. Analysis indicates limited Somali or other African nation capability and the need for a more comprehensive coalition approach to address the piracy problem. This paper defines the operational challenges of combating piracy in Somalia and offers a possible solution to incorporate other instruments of national and international power. This is a thought piece derived from unclassified sources and includes opinions. It seeks to establish the threat and effects of piracy in Somalia, analyzes the challenges of combating the threat and suggests a CENTCOM-led interagency anti-piracy task force in Djibouti.

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INTRODUCTION

Maritime piracy is a growing threat to world commerce. 85 to 90 percent of the entire world's commerce flows by the sea.[1] Off the coast of Somalia, piracy attacks are increasing in number and in the level of violence. According to the International Maritime Bureau (IMB), "there were 37 incidents of piracy off Somalia from mid-March 2005 to mid-February 2006, compared to just two attacks in 2004."[2] Of the 23 worldwide at sea hijackings in 2005, 15 were by pirates in Somalia and of the 19 attacks that shots were fired at the vessel, 13 were in Somalia.[3] Piracy is even more difficult to combat along Somalia's remote 2,300 nm long coastline because Somalia has no effective government, law enforcement or military forces. Maritime piracy is threatening century old trade routes along the eastern coast of Africa to the Red Sea and Arabian Gulf.

Combined Task Force 150 (CTF-150), a CENTCOM-led coalition of ships, is employed in the region for basic maritime security and to deter armed attacks on merchant shipping, but the operational challenges are substantial in terms of space, time, and force. These challenges include the lack of support from the struggling Somali government and neighboring countries, the isolated operating area, limited coalition force availability in the region, and legal implications of interdicting maritime pirates. If left unchallenged, maritime piracy in this region has the potential to evolve into maritime terrorism. Recent multinational efforts to combat piracy in the Straits of Malacca have been relatively successful and may serve as a model for CENTCOM. Combined maritime forces should

conduct joint anti-piracy operations, improve interagency efforts, and foster

multinational cooperation to remove these threats and reinforce regional

security and maritime commerce.

BACKGROUND

Most acts typically considered piracy occur in territorial waters and

within the jurisdiction of states and are therefore not recognized as piracy under

the 1982 United Nations Conventions on Law of the Sea (UNCLOS). The

International Maritime Bureau (IMB) defines piracy as "an act of boarding or

attempting to board any ship with the apparent intent to commit theft or any

other crime and with the apparent intent or capability to use force in the

furtherance of that act."[4] The International Maritime Organization (IMO), the

UN's maritime arm, recently modified its definition of piracy to be more

inclusive and along the lines of the IMB definition to include ships in port or at

anchor within territorial waters. Acts of piracy have increased worldwide and

have been most numerous in Southeast Asia. Southeast Asian nations have

made counter piracy operations a priority and have worked together to mitigate

the threats from piracy in the Straits of Malacca.

The failed state of Somalia is a perfect haven for pirates. Somalia's

Transitional Federal Government (STFG) is the result of its 14th attempt to

reconstitute a united administration since 1991.[5] Piracy is also threatening

Somalia's limited commerce including inbound humanitarian aid. Somalia does

not have an operating navy or national law enforcement structure to handle its growing piracy problem. The STFG called for international assistance in late 2005 following several high profile armed hijackings.[6] While neighboring African nations are now aware of the threat and are moving towards a combined effort for maritime security, African nations' navies are underdeveloped leaving the United States and its coalition partners responsible for patrolling Somali waters and interdicting the piracy threat in Somalia. The limited surface units of CTF-150 and supporting air patrols have had some recent successes including the capture of ten Somali pirates by USS Churchill on 21 Jan 2006,[7] but long-term solutions must involve other regional nations. Failure to contain this growing threat can lead to maritime opportunities for terrorists and result in severe economic consequences.

PIRACY THREAT

Armed piracy along the Somali Coast is becoming prevalent. Somali pirates attacked 32 vessels from March to December 2005.[8] In the first half of 2006, 73 of the 156 hostages taken worldwide at sea were by pirates from Somalia.[9] During the same period, Somalia also experienced the greatest number of shipping attacks using guns.[10] The prime motivation for these hijackings and subsequent hostage taking is money and almost all successful hijackings result in a demand for ransom. Many attacks occur at a great

distance from shore, prompting the International Maritime Bureau to issue a

warning stating,

> Somalian waters- Heavily armed pirates with guns and grenades have attacked ships and fired upon them. Many past attacks took place far away from Somali coast and one such attack occurred 390 nautical miles from the coast. Pirates are believed to be using a "mother vessel" to launch attacks at those distances. Ships/crew are attacked, robbed and hijacked/kidnapped from ransom. Eastern and Northeastern coasts are high-risk areas for attacks and hijackings. The coalition naval forces have begun patrolling but are unable to patrol the entire vast area. Ships not making scheduled calls to ports in these areas should keep as far away as possible from the Somali coast (more than 200 nm).[11]

The regional commerce implications are significant. The sea routes along

the Eastern coast of Africa have used for centuries as the primary trading mode.

The World Food Program (WFP) cancelled maritime deliveries of humanitarian

assistance to Somalia in 2005 after two of its chartered vessels were hijacked.[12]

Five months later, the WFP was forced to open a land route to resume much

needed food assistance to Somalia at a 30 percent higher cost.[13]

Insurance companies worldwide are substantiating the growing threat of

piracy in Somalia. The Lloyd's War Risk Committee updated its classification of

piracy attacks as a war risk vice a marine risk. Ship owners must notify their

insurer prior to entering dangerous waters. The policy change allows attacks to

be treated as if they were from terrorists and also increases the possibility that

ship owners will curtail their voyages.[14]

Economic losses from piracy may be even greater than reported

considering the disincentives of merchants for reporting piracy including severe

delays to international shipping and insurance cost increases.[15] The Nippon

Foundation, a think tank in Japan, estimates 5.9 merchant ships are attacked

for every 1,000 voyages.[16]

OPERATIONAL CHALLENGES

Numerous operational challenges exist for the maritime commander in

the coastal waters of Somalia. An analysis of the operational factors force, space

and time reveals the difficulty in covering the adjacent waters of Somalia. The

legal challenge of the right of hot pursuit also complicates the operational factor

of time. In April 2006, a Korean fishing vessel hijacked by Somali pirates was

pursued by CTF-150's flagship but ended as the pirates entered Somalia's

recognized 12 nautical mile limit.[17] Somalia has actually claimed 200 nautical

miles from their coast as territorial seas since 1972, but the United States and

most other nations recognize 12 nautical miles.[18] Somalia is incapable of

enforcing either of these claims with no navy or coast guard.

CTF-150 is charged with conducting maritime interdiction operations for

the Red Sea, the Gulf of Aden and the Indian Ocean bordering the Horn of

Africa. Operating under the Combined Force Maritime Component Commander

(CFMCC or COMNAVCENT), CTF-150 has limited assets assigned for this vast

area of operations. CTF-150 is comprised of eight ships from six coalition

nations (Pakistan, Netherlands, United Kingdom, France, Germany and Italy).[19]

Despite the growing threats and high international visibility of piracy, the task

force's primary mission remains basic maritime security operations to deny the use of waters by radical Islamists.[20]

CTF-150 is stretched thin over an operating area of 2.4 million square miles. In 2005, warships of CTF-150 queried 10,455 vessels and boarded 1,875.[21] Coalition maritime patrol aircraft operate out of Djibouti at a rate of one to two sorties per day and must cover the Red Sea and the Gulf of Aden in addition to the western Indian Ocean. Other Intelligence, Surveillance, and Reconnaissance (ISR) assets assigned to the Combined Forces Air Component Commander (CFACC) in Al Udeid, Qatar are primarily tasked to support Operation IRAQI FREEDOM and Operation ENDURING FREEDOM Afghanistan.

Anti-piracy operations in the Horn of Africa seriously challenge the maritime component commander through the operational factor time. Once alerted of a possible pirate threat, surface forces must race to the scene to intercept the pirates before they hijack the vessel and retreat inside the recognized 12 nautical mile territorial waters of Somalia. If the pirates are able to retreat within the territorial waters, surface and air forces are left monitoring the situation from a distance. Coalition maritime patrol aircraft based in Djibouti may take several hours to launch and transit approximately 800 nautical miles to the area. They are rarely armed and can only monitor the situation.

CTF-150 has attempted to mitigate this factor of time by requesting the STFG for passage rights into Somali waters to pursue pirates.[22] In an attempt

to address the problem, the United Nations Security Council released a presidential statement in March 2006 that, "encourages member states whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law."[23] Ironically, as the IMO secretary-general praised the declaration, pirates armed with grenades and rocket-propelled grenades fired on the United Nations food ship Rozen.[24] Somalia Transitional Federal Government Prime Minister Gedi reportedly granted approval of transit rights to U.S. warships on 16 April 2006.[25] Gedi claims that U.S. Navy ships will now operate in Somali waters "to secure Somali waters from illegal fishing, tame activities of pirates and keep a vigil on acts related to terrorism."[26] U.S. Navy officials in Bahrain deny any deal with Somalia.[27]

Legal questions concerning rules of engagement of the combined force and what legally constitutes piracy complicate the problem. Article 101 of the United Nations Convention on Law of the Sea (1982) (UNCLOS) excludes more than 90 percent of piratical acts because they occur in territorial waters or are motivated by political vice private ends. The 1988 Rome Convention on Suppression of Unlawful Acts at Sea (SUA) removed the high seas and private act limitations, but it did not authorize hot pursuit and many nations did not sign it.[28] *Why should maritime boundaries of a failed state be recognized by*

those attempting to restore order and allow pirates to use it as a haven? In order

to mitigate the time limitation of intercepting pirates, legal rights of hot pursuit

must be addressed.

SINGAPORE MODEL

The successful anti-piracy efforts of Singapore in Southeast Asia are a

useful example of multinational and interagency cooperation. Indonesia and the

Straits of Malacca historically lead the world's reported piracy attacks, yet

maritime security has significantly improved in the Singapore Straits.

Singapore has formed a Maritime Security Task Force to coordinate the efforts of

the Navy, MPA, PCG, Port of Singapore Authority and shipping agencies.

Arrangements have been implemented at the operational level for information

sharing.[29] 11 Asian nations ratified the *Regional Cooperation Agreement on

Combating Piracy and Armed Robbery Against Ships in Asia* last month in

Singapore.[30] A new Information Sharing Center will be set up in Singapore to

facilitate communication and information exchanges between member

countries.[31]

Trilateral and unilateral efforts by Indonesia, Malaysia and Singapore of

increased joint patrols and an intelligence-led policing operation including the

Eyes in the Sky maritime patrol program and Operation GURITA have reduced

attacks in the Strait of Malacca from 38 in 2004 to only 12 in 2005.[32]

AFRICAN PROGRESS

There are signs of increased cooperation for maritime security in Africa. The East Africa and Southwest Indian Ocean Maritime Security Conference was held in Madagascar in July 2006 to address the threats to vital trade routes by piracy, terrorism, smuggling and illegal fishing. Rear Admiral Hunt, Commander Joint Task Force HOA, outlined the way ahead for regional maritime security:

-Increased situational awareness and information sharing
-Legal frameworks and decision-making architectures
-Interagency cooperation (defense, interior, police, fisheries, foreign affairs
-Layered security through interagency cooperation[33]

A maritime crisis center was opened in Mombasa, Kenya in May 2006 in response to the piracy threat in Somalia. The center is equipped with IMO donated *Automated Identification System* (AIS), a state-of-the-art maritime communications technology that will be able to collect data from ships and relay it to patrolling warships.[34] Admiral Ulrich, COMUSNAVEUR, convinced African nations at an African Union conference to integrate their shipping fleets with AIS to enable the countries to protect their maritime resources.[35] *One problem with AIS is some merchants elect to keep it off because they feel that pirates can exploit it to track and intercept their vessels.*[36] To further support African security efforts, the United States recently donated six armored speedboats, five 25-foot "Defender" class boats and one 42-foot "Archangel" class boat, along with equipment, supplies and training to the Kenyan Navy to police

its territorial waters.[37] Private security guards are embarked on some commercial vessels to protect crews from pirates in Somalia. *Conflicting reports of a $55 million deal between the STFG and a private maritime security firm, Topcat Marine Security, to engage pirates indicate that the struggling government of Somalia is taking steps to combat piracy unilaterally.*[38] Increased maritime cooperation with neighboring nations may be a way to advance maritime security without increased U.S. forces.

An alternate view of the previous analysis questions why CENTCOM should lead this effort if these attacks have not been against U.S. or its coalition partners and their ships. Limited resources are needed in other hot spots in the Arabian Gulf with seemingly more important consequences. The potential for mission creep also exists in an area where U.S. forces withdrew from a messy situation in 1992. Finally, no confirmed maritime terrorist attacks have directly resulted from pirates.

LINKS TO TERRORISM

Terrorists have the capability and intent to conduct maritime terrorism. There are several links to terrorist organizations in Somalia. Somalia's anarchy makes it a "fertile ground for Islamic extremists"[39] and   in 2002 General Tommy Franks warned that he had evidence that Al-Qaeda terrorist cells are present in Somalia—a "serious concern."[40]   Somalia's numerous uncontrolled ports provide easy entry for fleeing Al-Qaeda terrorists from Afghanistan via Pakistan or Iran

by sea. In 1992, bin Laden reportedly spend three million dollars to recruit and fly into Somalia elite veterans of the Afghan jihad.[41] In 2001, Al-Qaeda established a base of operations on Ras Komboni Island along the Somali southern coast near the border with Kenya.[42]

Solid intelligence links terrorists with the intent to target commercial shipping. The Royal Navy's First Sea Lord and Chief of the Naval Staff, Admiral West, reiterated in 2005, "What we've noticed is that Al Qaeda and other organizations have an awareness about maritime trade…they've realized how important it is for world trade in general… we are aware that [Al Qaeda has] plans and they've looked at this." [43]

If a willing terrorist base exists in Somalia with the intent to target commercial shipping, what links the piracy threat to potential maritime terrorism? *Very few acts of maritime terrorism have actually taken place worldwide in the last six years causing shipping owners to have serious doubts on the validity of the piracy/terrorist threat and the increasing financial burden of required security measures.* Two notable Al Qaeda claimed terrorist attacks involved suicide missions in small boats packed with explosives and not hijacking the vessels. These attacks were on the USS COLE and the French supertanker LIMBERG in Yemen in 2000 and 2002 respectively.[44]

The motives of pirates and terrorists differ. *Nearly all of the pirate attacks in Somalia are financially driven while terrorists seek political gain.* However, the money obtained through hostage taking ransoms and thefts from

piracy can be used to finance terrorist activities. Admiral Fargo articulates the

challenges and risks of leaving waters available to pirates or terrorists,

"Unsecured or ungoverned seas are potential havens for criminal or terrorist

activity, providing relatively cheap and inconspicuous movement. And the

thousands of miles of coastline many of us enjoy are sometimes uninhabited and

often difficult to regulate."[45]

The growing piracy problem in Somalia has the potential of becoming a

larger security issue if terrorists in the region are able to adopt operational

techniques of the pirates. Terrorists with the ability and means to commandeer

a supertanker have unlimited targets of mass effect within their operational

reach.

RECOMMENDATIONS

CENTCOM should lead an expanded coalition to aggressively assault

pirate bases and protect merchant shipping in order to deter terrorists and

reinforce regional security. CTF-150 in its current force structure is not able to

adequately patrol the vast space and respond in the time required for effective

anti-piracy operations. Unfortunately, NAVCENT is limited in surface and air

forces available to support CTF-150 because of higher priority operations in the

Arabian Gulf.

COMCENTCOM needs to take a comprehensive approach to tackle the

operational challenges of fighting piracy in Somalia. CENTCOM should

multiply its available forces for surface and air patrolling. The area of operations borders EUCOM's area of responsibility to the south and west offering inter-theater opportunities for coordination. The African Union has shown interest to assist in sending peacekeeping forces into Somalia.[46] Joint, interagency, and international information sharing is necessary to enhance the anti-piracy capability without the increase of U.S. forces.

The forum to enable cooperation through interagency action throughout the CENTCOM Theater of operations could be a Regional Security Initiative. Admiral Fargo explained the purpose of the Regional Maritime Security Initiative of PACOM in a 2004 speech to "develop a partnership of willing regional nations with varying capabilities and capacities to identify, monitor, and intercept transnational maritime threats under existing international and domestic laws."[47] The successful efforts in Southeast Asia can be applied in a modified form to combat piracy and potential maritime terrorism in the Horn of Africa.

A coalition led Combined Anti-Piracy Task Force should be set up in Djibouti. AU peacekeeping troops can embark on random commercial vessels to provide protection similar to the role sky marshals serve on commercial aircraft. International legal agreements on jurisdiction will ensure that pirates can potentially be treated the same as suspected terrorists. Information Operations can be used to spread this message through the coastal villages of Somalia to deter future attacks. The newly installed maritime crisis center in Mombasa,

Kenya can disseminate real time alerts of possible attacks to patrolling vessels and aircraft. CJTF-HOA and CTF-150 Liaison Officers in Kenya can forward potential hijacking reports to CJTF-HOA and COMNAVCENT to alert an awaiting Quick Reaction Force. Expeditionary Strike Groups en route to the Arabian Gulf can conduct deliberately planned raids of known pirate and terrorist camps. Interagency cooperation with the CIA and FBI can institute an enhanced information exchange with the Anti-Piracy Task Force Headquarters in Camp Lemonier, Djibouti.

Legal issues of jurisdiction and rules of engagement must be clarified by the UN, AU, and Coalition governments. A UN Security Council Resolution would authorize the use of AU and Coalition troops to embark on vessel protection missions and conduct raids of pirate camps. Blanket over-flight rights and transit passage for anti-piracy operations must be obtained from the STFG to enable transit, hot pursuit and capture of suspected pirate acts.

The expanded combined and joint force can establish Maritime Domain Awareness through mandatory use of AIS by all transiting vessels. CFACC ISR aircraft such as Global Hawk, U2, and Predator can augment coalition maritime patrol aircraft operating from Djibouti and Seychelles to provide dedicated maritime surveillance and intelligence preparation of the operating environment.

The task force can initially be led by CJTF-HOA, currently a U.S. Navy two-star Admiral. The staff can be initially comprised of military

representatives from NAVCENT, MARCENT, CENTAF, SOCCENT and
NAVEUR.   Increased resources, information and intelligence can be leveraged
with joint interagency representatives from FBI, CIA, DHS and USCG. Finally,
the task force will need international representatives from AU, IMO, Kenya,
Djibouti, Mozambique and South Africa and potentially Somalia for legal
coordination.

Continued research and staffing would be required to determine the
feasibility of introducing such a concept. CENTCOM's Theater Security
Cooperation Plan can provide a starting point. Outputs from the Maritime
Domain Awareness Implementation Team's (MDA-IT) CONOPS and MDA
Investment Strategy[48] may also be used to synchronize interagency efforts in the
HOA operating area. CENTCOM can utilize NORTHCOM's decision making
architecture in the Maritime Operational Threat Response (MOTR) process to
develop regionally adapted responses for the Somali waters.[49]

CONCLUSIONS

The threat of maritime piracy in the failed state of Somalia is significant.
Piracy is altering trade routes, disrupting humanitarian assistance and
threatening lives of innocent mariners. The vast area of the Somali coastline is
extremely challenging for a relatively small surface task force and limited
maritime patrol air assets to effectively patrol it. The naval forces of eastern
Africa are not as advanced or robust as those in the Southeast Asian model, but

they recognize the problem and are willing to assist. The African Union desires to resume peacekeeping operations in Somalia but it needs a legal mandate from the United Nations. The AU also lacks the logistical means to deploy and maneuver between the widespread coastal towns and camps of Somalia. Thus, a U.S. led coalition is expected to reduce the threat and protect the commercial interests of the world.

COMCENTCOM has an opportunity to combine his available assets to increase situational awareness, intelligence and provide a more robust counter-piracy capability. Political instability and nonexistent military support from the host nation, Somalia Transitional Federal Government, complicates logistics, maneuver, intelligence, and command and control for the operational commander. Legal questions of rights of hot pursuit, over-flight and patrolling in Somali territorial waters further complicate the operational commander's course of action.

The establishment of an anti-piracy task force led by CJTF HOA headquartered in Djibouti may be a way to bring unity of effort in combating piracy in the region. The task force can draw from international support, other U.S. federal agencies, and other component commanders to synchronize operational functions of intelligence, command and control and operational fires to not only deter pirate attacks but eliminate the threat. Regardless of whether such an organization is constructed, specific aspects of the plan should be implemented including improved interagency intelligence sharing, faster

communication and decision architecture, legal clarification and the use of joint

forces to stop piracy and prevent maritime terrorism in the region.

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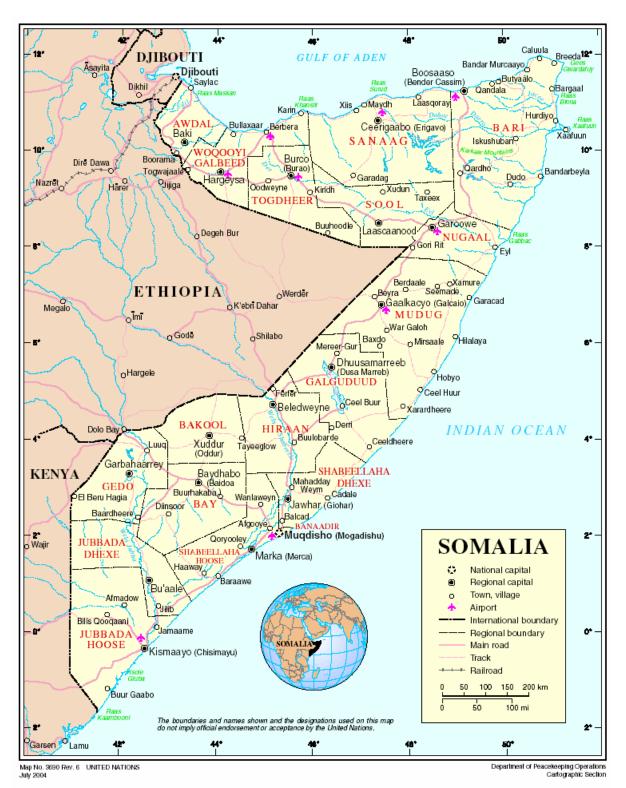
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Figure 1

Figure 2